

Introduced by Senator Ducheny

February 25, 2009

An act to amend Sections 14302 and 14581 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 309, as introduced, Ducheny. Public resources: beverage container recycling fund: conservation corps.

(1) Existing law requires the California Conservation Corps to select young men and women for participation in the corps program on the basis of motivation for hard work, personal development, and public service, and without regard to their prior employment or educational background.

This bill would require preference for inclusion in corps membership to be given to emancipated foster youth and at-risk youth.

(2) The California Beverage Container Recycling and Litter Reduction Act requires a distributor of specified beverage containers to pay a redemption payment to the Department of Conservation for each beverage container sold or transferred for deposit in the California Beverage Container Recycling Fund. The department is authorized to make other specified expenditures from the moneys remaining in the fund after the moneys for specified purposes have been set aside.

This bill would authorize the department to expend an undetermined amount annually, upon appropriation by the Legislature, for existing and new California Conservation Corps and community conservation corps for the purposes of reopening residential corps member facilities, litter abatement, recycling, emergency response, fire brush clearance, energy conservation, green technology jobs, and related activities that educate, train, and employ at-risk youth. Because the moneys in the

fund would be used for purposes other than those related to beverage containers, the bill would impose a tax.

By imposing a new tax, this bill would result in a change in state taxes for the purpose of increasing revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The California Conservation Corps provides critical
4 emergency response work, including fighting fires and floods, that
5 protects the health and safety of the state.

6 (b) For over 30 years, the California Conservation Corps has
7 conserved the state's natural resources through the use of
8 California's young men and women. This has been beneficial not
9 only to the youth of the state by providing them with educational
10 and work opportunities, but also to the state economy and its
11 environment.

12 (c) The California Conservation Corps provides a unique
13 opportunity for those California youth who are not bound directly
14 for college to follow a different path and gain needed training and
15 experience in preparation for entrance into the workforce.

16 SEC. 2. Section 14302 of the Public Resources Code is
17 amended to read:

18 14302. (a) Young women and men shall be selected for
19 participation in the corps program on the basis of motivation for
20 hard work, personal development, and public service, and without
21 regard to their prior employment or educational background.
22 Participation shall be for a period of one year, which may be
23 extended.

24 (b) *Preference for inclusion in corps membership shall be given*
25 *to emancipated foster youth and at-risk youth.*

26 (c) The corps, in conjunction with the Employment Development
27 Department, shall place an emphasis on developing and executing

1 plans to assist corpsmembers in obtaining employment following
2 their participation in the corps program.

3 SEC. 3. Section 14581 of the Public Resources Code is
4 amended to read:

5 14581. (a) Subject to the availability of funds, and pursuant
6 to subdivision (c), the department shall expend the moneys set
7 aside in the fund, pursuant to subdivision (c) of Section 14580, for
8 the purposes of this section:

9 (1) (A) On and after July 1, 2005, to June 30, 2006, inclusive,
10 up to thirty-one million dollars (\$31,000,000) may be expended
11 for that fiscal year for the payment of handling fees pursuant to
12 Section 14585.

13 (B) On and after July 1, 2006, to June 30, 2007, inclusive, up
14 to thirty-three million dollars (\$33,000,000) may be expended for
15 that fiscal year for the payment of handling fees pursuant to Section
16 14585.

17 (C) On and after July 1, 2007, to June 30, 2008, inclusive, up
18 to thirty-five million dollars (\$35,000,000) may be expended for
19 that fiscal year for the payment of handling fees pursuant to Section
20 14585.

21 (D) For each fiscal year commencing July 1, 2008, the
22 department may expend the amount necessary to make the required
23 handling fee payment pursuant to Section 14585.

24 (2) Fifteen million dollars (\$15,000,000) shall be expended
25 annually for payments for curbside programs and neighborhood
26 dropoff programs pursuant to Section 14549.6.

27 (3) (A) Fifteen million dollars (\$15,000,000), plus the
28 proportional share of the cost-of-living adjustment, as provided in
29 subdivision (b), shall be expended annually in the form of grants
30 for beverage container litter reduction programs and recycling
31 programs issued to either of the following:

32 (i) Certified community conservation corps that were in
33 existence on September 30, 1999, or that are formed subsequent
34 to that date, that are designated by a city or a city and county to
35 perform litter abatement, recycling, and related activities, if the
36 city or the city and county has a population, as determined by the
37 most recent census, of more than 250,000 persons.

38 (ii) Community conservation corps that are designated by a
39 county to perform litter abatement, recycling, and related activities,
40 and are certified by the California Conservation Corps as having

1 operated for a minimum of two years and as meeting all other
2 criteria of Section 14507.5.

3 (B) Any grants provided pursuant to this paragraph shall not
4 comprise more than 75 percent of the annual budget of a
5 community conservation corps.

6 (4) (A) On or after July 1, 2007, until June 30, 2008, for only
7 that fiscal year, up to twenty million dollars (\$20,000,000) may
8 be expended in the form of competitive grants issued to community
9 conservation corps that are designated by a city or county, and that
10 meet all of the following criteria:

11 (i) Are certified by the California Conservation Corps as having
12 operated for a minimum of two years.

13 (ii) Meet all other requirements under Section 14507.5.

14 (B) The department shall prepare and adopt criteria and
15 procedures for evaluating grant applications on a competitive basis.
16 Eligible activities for the use of these funds shall include
17 developing new projects, or enhancing or assisting existing
18 projects, to increase beverage container recycling and increasing
19 the quality of recycled material at the following locations:

20 (i) Multifamily dwellings.

21 (ii) Schools.

22 (iii) Commercial, state, and local government buildings.

23 (iv) Bars, restaurants, hotels, ~~and~~ lodging establishments, and
24 entertainment venues.

25 (v) Parks and beaches.

26 (C) Any grants provided pursuant to this paragraph shall not
27 comprise more than 75 percent of the annual budget of a
28 community conservation corps.

29 (D) Any grants provided pursuant to this paragraph shall support
30 one-time capital improvement projects and shall not be used to
31 support ongoing staff activities.

32 (E) Any grant funds appropriated pursuant to this paragraph
33 that have not been awarded to a grantee prior to the end of the
34 2007–08 fiscal year shall revert to the fund.

35 (5) (A) Ten million five hundred thousand dollars (\$10,500,000)
36 may be expended annually for payments of five thousand dollars
37 (\$5,000) to cities and ten thousand dollars (\$10,000) for payments
38 to counties for beverage container recycling and litter cleanup
39 activities, or the department may calculate the payments to counties

1 and cities on a per capita basis, and may pay whichever amount
2 is greater, for those activities.

3 (B) Eligible activities for the use of these funds may include,
4 but are not necessarily limited to, support for new or existing
5 curbside recycling programs, neighborhood dropoff recycling
6 programs, public education-promoting beverage container
7 recycling, litter prevention, and cleanup, cooperative regional
8 efforts among two or more cities or counties, or both, or other
9 beverage container recycling programs.

10 (C) These funds ~~may~~ *shall* not be used for activities unrelated
11 to beverage container recycling or litter reduction.

12 (D) To receive these funds, a city, county, or city and county
13 shall fill out and return a funding request form to the Department
14 of Conservation. The form shall specify the beverage container
15 recycling or litter reduction activities for which the funds will be
16 used.

17 (E) The Department of Conservation shall annually prepare and
18 distribute a funding request form to each city, county, or city and
19 county. The form shall specify the amount of beverage container
20 recycling and litter cleanup funds for which the jurisdiction is
21 eligible. The form shall not exceed one double-sided page in length,
22 and may be submitted electronically. If a city, county, or city and
23 county does not return the funding request form within 90 days of
24 receipt of the form from the department, the city, county, or city
25 and county is not eligible to receive the funds for that funding
26 cycle.

27 (F) For the purposes of this paragraph, per capita population
28 shall be based on the population of the incorporated area of a city
29 or city and county and the unincorporated area of a county. The
30 department may withhold payment to any city, county, or city and
31 county that has prohibited the siting of a supermarket site, caused
32 a supermarket site to close its business, or adopted a land use policy
33 that restricts or prohibits the siting of a supermarket site within its
34 jurisdiction.

35 (6) One million five hundred thousand dollars (\$1,500,000) may
36 be expended annually in the form of grants for beverage container
37 recycling and litter reduction programs.

38 (7) (A) The department shall expend the amount necessary to
39 pay the processing payment and supplemental processing payment
40 established pursuant to Sections 14575 and 14575.5 ~~and pay~~

processing fee rebates pursuant to Section 14575.2. The department shall establish separate processing fee accounts in the fund for each beverage container material type for which a processing payment and processing fee are calculated pursuant to Section 14575, or for which a processing payment is calculated pursuant to Section 14575 and a voluntary artificial scrap value is calculated pursuant to Section 14575.1, into which account shall be deposited all of the following:

(i) All amounts paid as processing fees for each beverage container material type pursuant to Section 14575.

(ii) Funds equal to the difference between the amount in clause (i) and the amount of the processing payments established in subdivision (b) of Section 14575, and adjusted pursuant to paragraph (2) of subdivision (c) of, and subdivision (f) of, Section 14575, to reduce the processing fee to the level provided in subdivision (f) of Section 14575, or to reflect the agreement by a willing purchaser to pay a voluntary artificial scrap value pursuant to Section 14575.1.

(iii) Funds equal to an amount sufficient to pay the total amount of the supplemental processing payments established pursuant to Section 14575.5.

(B) Notwithstanding Section 13340 of the Government Code, the moneys in each processing fee account are hereby continuously appropriated to the department for expenditure without regard to fiscal years, for purposes of making processing payments and supplemental processing payments, and reducing processing fees, pursuant to Sections 14575 and 14575.5, and paying processing fee rebates pursuant to Section 14575.2.

(8) Up to five million dollars (\$5,000,000) may be annually expended by the department for the purposes of undertaking a statewide public education and information campaign aimed at promoting increased recycling of beverage containers.

(9) Until January 1, 2008, the department may expend up to five million dollars (\$5,000,000) for the purposes of undertaking a statewide public education and information campaign aimed at promoting increased recycling of beverage containers that meets both of the following requirements:

(A) The public education and information campaign is multimedia and includes print, radio, and television.

1 (B) The public education and information campaign is
2 multilingual.

3 (10) Up to fifteen million dollars (\$15,000,000) may be
4 expended annually by the department for quality incentive
5 payments for empty beverage containers pursuant to Section
6 14549.1.

7 (11) Up to twenty million dollars (\$20,000,000) may be
8 expended annually by the department, until January 1, 2012, to
9 issue grants for recycling market development and
10 expansion-related activities aimed at increasing the recycling of
11 beverage containers, including, but not limited to, the following:

12 (A) Research and development of collecting, sorting, processing,
13 cleaning, or otherwise upgrading the market value of recycled
14 beverage containers.

15 (B) Identification, development, and expansion of markets for
16 recycled beverage containers.

17 (C) Research and development for products manufactured using
18 recycled beverage containers.

19 (D) Research and development to provide high-quality materials
20 that are substantially free of contamination.

21 (E) Payments to California manufacturers who recycle beverage
22 containers that are marked by resin type identification code “3,”
23 “4,” “5,” “6,” or “7,” pursuant to Section 18015.

24 (12) Up to ten million dollars (\$10,000,000) may be transferred
25 on a one-time basis by the department to the Recycling
26 Infrastructure Loan Guarantee Account, for expenditure pursuant
27 to Section 14582.

28 (13) Up to ten million dollars (\$10,000,000) may be expended
29 annually by the department for the payment of recycling incentive
30 payments pursuant to Section 14549.7 until payments for eligible
31 beverage containers redeemed or collected for recycling on or
32 before December 31, 2009, have been paid.

33 (14) Up to five million dollars (\$5,000,000) may be expended
34 annually by the department for market development payments for
35 empty plastic beverage containers pursuant to Section 14549.2,
36 until January 1, 2012.

37 (15) Up to five million dollars (\$5,000,000) may be expended,
38 by the department, on a one-time basis beginning on January 1,
39 2007, in coordination with the Department of Parks and Recreation
40 for the purposes of installing source separated beverage container

1 recycling receptacles at each of the state parks, starting with those
2 parks that have the highest day use.

3 (16) Up to five million dollars (\$5,000,000) may be expended,
4 from January 1, 2007, to January 1, 2008, to provide grants to local
5 governments or nonprofit agencies to place multifamily housing
6 source separated beverage container recycling receptacles in
7 low-income communities.

8 (17) (A) Up to fifteen million dollars (\$15,000,000) may be
9 expended from January 1, 2008, to January 1, 2009, to provide
10 grants to place source separated beverage container recycling
11 receptacles in multifamily housing.

12 (B) Notwithstanding subdivision (b) of Section 14580, the
13 amount of one hundred ninety-eight thousand dollars (\$198,000)
14 may be expended by the department from the fund, on a one-time
15 basis, for the administrative costs of implementing the grant
16 program established by subparagraph (A).

17 (18) (A) Up to twenty million dollars (\$20,000,000) may be
18 expended from July 1, 2009, to January 1, 2012, inclusive, for
19 either of the following:

20 (i) Grants for beverage container recycling and litter reduction
21 programs that emphasize the greatest and most effective collection
22 of beverage containers per dollar spent to ensure the program's
23 performance and accountability.

24 (ii) Focused, regional community beverage container recycling
25 and litter reduction programs that enable the department to more
26 effectively organize the amount and type of resources needed for
27 regional and statewide efforts to increase recycling.

28 (B) The department shall require, as a condition of receiving
29 grant funds pursuant to subparagraph (A), each grant recipient to
30 submit a final report including, but not limited to, the grant
31 recipient's reported volumes of beverage containers recycled,
32 where applicable.

33 (C) On or before July 1, 2014, the department shall publish an
34 evaluation of all grants made pursuant to paragraph (A). At a
35 minimum, the evaluation shall summarize each final report
36 submitted by each grantee pursuant to subparagraph (B) and assess
37 whether the grantee adequately met the scope and objectives
38 outlined in the grant agreement.

39 (19) *Up to _____ dollars (\$_____) may be expended annually,*
40 *upon appropriation by the Legislature, for existing and new*

California Conservation Corps and community conservation corps for the purposes of reopening residential corps member facilities, litter abatement, recycling, emergency response, fire brush clearance, energy conservation, green technology jobs, and related activities that educate, train, and employ at-risk youth.

(b) The fifteen million dollars (\$15,000,000) that is set aside pursuant to paragraph (3) of subdivision (a) is a base amount that the department shall adjust annually to reflect any increases or decreases in the cost of living, as measured by the Department of Labor, or a successor agency, of the federal government.

(c) (1) The department shall review all funds on a quarterly basis to ensure that there are adequate funds to make the payments specified in this section and the processing fee reductions required pursuant to Section 14575.

(2) If the department determines, pursuant to a review made pursuant to paragraph (1), that there may be inadequate funds to pay the payments required by this section and the processing fee reductions required pursuant to Section 14575, the department shall immediately notify the appropriate policy and fiscal committees of the Legislature regarding the inadequacy.

(3) On or before 180 days after the notice is sent pursuant to paragraph (2), the department may reduce or eliminate expenditures, or both, from the funds as necessary, according to the procedure set forth in subdivision (d).

(d) If the department determines that there are insufficient funds to make the payments specified pursuant to this section and Section 14575, the department shall reduce all payments proportionally.

(e) Prior to making an expenditure pursuant to paragraph (7) of subdivision (a), the department shall convene an advisory committee consisting of representatives of the beverage industry, beverage container manufacturers, environmental organizations, the recycling industry, nonprofit organizations, and retailers to advise the department on the most cost-effective and efficient method of the expenditure of the funds for that education and information campaign.

(f) After setting aside money for the expenditures required pursuant to subdivisions (a) and (b) and Section 14580, the department may, on and after January 1, 2007, but not after July 1, 2007, expend remaining moneys in the fund to pay a refund

- 1 value in an amount greater than the refund value established
- 2 pursuant to subdivision (b) of Section 14560.

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